United Nations A/C.3/58/4

General Assembly

Distr.: General
16 October 2003

Original: English

Fifty-eighth session
Agenda item 108
Crime prevention and criminal justice

Letter dated 14 October 2003 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

I have the honour to refer to the Conference that was held in Cairo from 2 to 4 September 2003 for the Ministers of Justice of the francophone countries of Africa. The conference was convened primarily to help in promoting the ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. The Ministers of Justice and the delegations that attended the conference agreed on a declaration and a report for the conference and the consensus of the group was that the President of the Conference should submit the Cairo Declaration and the report to the General Assembly at its fifty-eighth session.

It is my pleasure to submit herewith copies of the Cairo Declaration and the report of the Conference (see annex) and to request that they be circulated as a document of the General Assembly, under agenda item 108.

(*Signed*) Ahmed **Aboul Gheit**
Ambassador
Permanent Representative

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Annex to the letter dated 14 October 2003 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

[Original: French]

Regional Ministerial Conference of French-speaking Countries of Africa for the promotion of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Cairo, 2-4 September 2003

Cairo Declaration

On 4 September 2003,

We, the Ministers of Justice and appointed delegations of Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, Gabon, Guinea, Guinea-Bissau, Mauritania, Mauritius, Morocco, Niger, Rwanda, Sao Tome and Principe, Senegal and Togo,

In the presence of the following specialized agencies and bodies of the United Nations system: the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Refugees and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, and of the following regional and international organizations: the Agence intergouvernementale de la francophonie and the League of Arab States,

Participating in the Regional Ministerial Conference of French-speaking Countries of Africa for the promotion of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, held in Cairo from 2 to 4 September 2003,

Noting the support of the following specialized agencies and bodies of the United Nations system: the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Refugees and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, and of the following regional and international organizations: the Agence intergouvernementale de la francophonie and the League of Arab States,

Deeply disturbed by rising transnational organized crime, which threatens the economic prosperity, the political and social stability and the security of States,

Noting with profound misgivings the growing links between transnational organized crime and terrorist crimes,

Concerned also over the scope and gravity of the phenomenon of terrorism and the threat which it poses to the stability and security of States and to international peace,

Convinced of the urgent need to combat organized crime and terrorism in all their forms and manifestations and to strengthen international cooperation and technical assistance to that end,

Recalling United Nations General Assembly resolutions 55/25 of 15 November 2000 and 55/255 of 31 May 2001, in which the Assembly adopted the United Nations Convention against Transnational Organized Crime and the three Protocols thereto, which constitute effective instruments of international cooperation in the struggle against transnational organized crime,

Taking note of General Assembly resolution 57/168 of 18 December 2002, which further encouraged Member States to make sufficient voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund for the provision of technical assistance to developing countries and countries with economies in transition for the implementation of those international legal instruments, and requested the Secretary-General to continue to provide the Centre with the resources necessary to enable it to promote, in an effective manner, the entry into force and implementation of the Convention and the Protocols thereto,

Taking note also of the treaty event on the theme "United Nations treaties against organized crime and terrorism" to be held from 23 to 26 September 2003 at United Nations Headquarters during the general debate of the fifty-eighth session of the General Assembly, its aim being to emphasize the importance of all the treaties against transnational organized crime and terrorism adopted by the international community, with a view to further reinforcing international cooperation in the fight against those evils,

1. Express our sincere gratitude to the Egyptian Government, and particularly to the Ministry of Justice, for having hosted and supported the Regional Ministerial Conference held in Cairo from 2 to 4 September 2003, and to the United Nations Office on Drugs and Crime and the Agence intergouvernementale de la francophonie, which jointly organized it;

2. Congratulate the French-speaking countries of Africa which signed the United Nations Convention against Transnational Organized Crime and the Protocols thereto, as well as the universal conventions and protocols relating to terrorism;

3. Recommend that the French-speaking countries of Africa which are not yet party to the Convention and its Protocols accede to it as soon as possible;

4. Warmly congratulate the French-speaking countries of Africa which have already ratified the United Nations Convention against Transnational Organized Crime and its Protocols, as well as the universal conventions and protocols relating to terrorism, especially the United Nations conventions deposited with the Secretary-General of the Organization;

5. Urge the other French-speaking countries of Africa which have already signed the Convention and the Protocols thereto to make every effort to meet the conditions required by their domestic law with the view to ensuring the speedy ratification of those instruments;

6. Recommend that the French-speaking countries of Africa play an active role in the treaty event to be held from 23 to 26 September 2003 at United Nations Headquarters;

7. Encourage the French-speaking countries which have not yet done so to become party as soon as possible to the universal conventions and protocols relating to terrorism, and above all the four conventions deposited with the United Nations

Secretary-General, especially during the treaty event to be held from 23 to 26 September 2003 at United Nations Headquarters;

8. Reaffirm our commitment to strengthening bilateral and multilateral cooperation and to taking other initiatives to that end, in coordination with the United Nations Office on Drugs and Crime and with its assistance and that of other partners, including the Agence intergouvernementale de la francophonie and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders;

9. Affirm the need to review, improve and harmonize domestic laws relating to the fight against transnational organized crime and against terrorism, in order to bring them into line with the Convention and the Protocols thereto, as well as with the universal conventions and protocols relating to terrorism;

10. Underscore the importance of the principle of due process and respect for human rights in criminal proceedings brought against transnational organized crime and terrorism;

11. Request the United Nations Office on Drugs and Crime, in cooperation with the Agence intergouvernementale de la francophonie and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, to prepare and disseminate widely a practical manual for the use of judges, police officers and other public officials in the implementation of the United Nations conventions against transnational organized crime and terrorism;

12. Request the United Nations Office on Drugs and Crime and the Agence intergouvernementale de la francophonie to set up a support mechanism for the implementation by States of the United Nations conventions against transnational organized crime and terrorism;

13. Launch an appeal to the donor countries and to international and regional organizations to render technical, financial and material assistance with a view to supporting the efforts of the French-speaking countries of Africa in the ratification of or accession to the Convention against Transnational Organized Crime and the Protocols thereto and the four United Nations conventions against terrorism, and in the implementation of those instruments, especially by making substantial and regular voluntary contributions to the special account of the United Nations Crime Prevention and Criminal Justice Fund, in accordance with article 30 of the Convention;

14. Request that priority attention be given to activities for the exchange of expertise and for technical assistance that is of the most varied kind and best adapted to the needs of countries, such as awareness-raising seminars, harmonization workshops, practical implementation manuals, training of practitioners and methodological assistance in the drafting of national reports to the appropriate United Nations bodies;

15. Undertake to assess periodically the progress achieved in the ratification of or accession to those instruments, and in their speedy implementation, by providing relevant information to the United Nations Office on Drugs and Crime and the Agence intergouvernementale de la francophonie;

16. Invite the President of the Conference to bring the present Declaration to the attention of the General Assembly at its fifty-eighth session.

Regional Ministerial Conference of French-speaking countries of Africa for the promotion of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Cairo, 2-4 September 2003

Report

I. Introduction

1. The Regional Ministerial Conference of French-speaking countries of Africa for the promotion of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto was held in Cairo from 2 to 4 September 2003. It was organized jointly by the Egyptian Government, the Agence intergouvernementale de la francophonie and the United Nations Office on Drugs and Crime pursuant to General Assembly resolutions 55/25 of 15 November 2000 and 55/255 of 31 May 2001. The Conference was held in the context of activities undertaken by the United Nations Office on Drugs and Crime and the Agence intergouvernementale de la francophonie aimed at promotion of the rapid implementation of the Convention and the Protocols thereto and of the universal instruments against terrorism.

II. Organization of the Conference

A. Opening of the Conference

2. The Conference was opened by His Excellency Mr. Farouk Seif El Nasr, Minister of Justice of the Arab Republic of Egypt.

3. In his opening address, the Minister welcomed the delegations and thanked the Agence intergouvernementale de la francophonie and the United Nations Office on Drugs and Crime for selecting Egypt to host that important event, which was a reflection of the active judicial cooperation among French-speaking States. After recalling the origins of the Palermo Convention, he underscored the significance of the Conference in the light of preparations for the treaty event, to take place a few days prior to the entry into force of the United Nations Convention against Transnational Organized Crime on 29 September 2003, and recalled its close links to the fight against terrorism. He stressed that those scourges constituted threats to economic and social development and affected international security and, especially, human rights. He reaffirmed that the international community must make the fight against those scourges one of its highest priorities. In closing, he expressed his deep conviction that the Conference would meet with success and provide the international community with new mechanisms which would prepare the way towards a world of greater security, stability and prosperity.

4. The representative of the United Nations Office on Drugs and Crime and the director for juridical and judicial cooperation of the Agence intergouvernementale de la francophonie each thanked the Government of Egypt for its hospitality. They underscored the strengthening of links between their two organizations for the purpose of achieving shared objectives, particularly support for consolidation of the

rule of law and the promotion of human rights. They emphasized the importance of the Conference with regard to efforts undertaken for the ratification of the Convention against Transnational Organized Crime and the Protocols thereto. They also acknowledged the positive effect on international juridical and judicial cooperation of the French-speaking States' commitment to ratify and implement the Convention and the Protocols thereto.

B. Participation

5. The Ministers and delegations representing the following French-speaking States of Africa participated in the Conference: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, Gabon, Guinea, Guinea-Bissau, Mauritania, Mauritius, Morocco, Niger, Rwanda, Sao Tome and Principe, Senegal and Togo.

C. Election of the Bureau and adoption of the agenda

6. The Bureau of the Conference was elected by the meeting as a whole and was composed of the following:

President:

His Excellency Mr. Farouk Seif El Nasr, Minister of Justice of Egypt

Vice-Presidents:

His Excellency Mr. Maty Elahadji Moussa, Minister of Justice of Niger
His Excellency Mr. Bakary Diabira, Minister of Justice of Mauritania
His Excellency Mr. Emmanuel Jean Leung Shing, Minister of Justice of Mauritius

Rapporteur:

His Excellency, Mr. Mouchili Ismaila, Ambassador of Cameroon to Egypt

7. The participants then adopted the agenda and organization of work.

III. Proceedings of the Conference

8. Technical presentations were made on the various items of the agenda, following which the participants exchanged views on their experience and expectations.

A. The United Nations Convention against Transnational Organized Crime and the Protocols thereto: Measures to be adopted at the national level with a view to ratification: Needs, difficulties and progress

9. The representative of the United Nations Office on Drugs and Crime made a detailed presentation on the main provisions of the Convention and its three Protocols relating to trafficking in persons, the smuggling of migrants and the illicit manufacturing of and trafficking in firearms.

10. The presentation was followed by two reports. The first described the proceedings and conclusions of the subregional ministerial seminar to support ratification of the Convention and its Protocols held at Ouagadougou from 28 to 30 November 2001. The Ouagadougou Declaration called on States which had not yet done so to sign the Convention and its Protocols and to take the necessary steps with

a view to ratification. The second report described the experience of Mauritius in incorporating the Convention into its domestic law.

11. A wide-ranging discussion followed, dealing with conditions for ratification of those instruments and measures under way or yet to be adopted for their integration into the domestic legislation of the participating countries. The discussion led to a consensus on the need to obtain technical, material and financial assistance throughout the process, from ratification to domestic implementation.

12. Delegations also had an opportunity to describe action already taken by their Governments with a view to adapting their legislation and juridical systems to the provisions of the Convention and to describe their experience in the fight against organized crime.

B. Technical cooperation for the ratification and implementation of the Convention and its Protocols

13. The representative of the United Nations Office on Drugs and Crime described to delegations the various types of technical assistance the Office could provide States to support and accompany the process of ratification and implementation of the Convention and its Protocols.

14. During the discussion, participants underscored the specific situation of Africa from the historical perspective, in particular the conflict situations and civil wars which had devastated the continent and had led to an inordinate increase in organized criminal activity. In the light of those particular circumstances, participants requested that technical cooperation should be proportional to their needs.

15. The useful exchange of views which followed helped delegations better understand the nature and methodology of technical assistance.

16. As a result, participants proposed the establishment of a support mechanism for the implementation by States of the United Nations conventions against transnational organized crime and terrorism, as well as the development of a practical manual for the use of judges, police officers and other public officials when implementing those conventions.

C. United Nations instruments against terrorism and the draft United Nations Convention against Corruption

17. The representative of the Office explained the provisions of the United Nations instruments against terrorism. He then reported to the Conference on the latest developments with regard to the draft United Nations Convention against Corruption.

18. In the fight against terrorism, the international community currently had 12 universal instruments, four of which had been singled out for the treaty event of 2003 to be held during the general debate of the fifty-eighth session of the United Nations General Assembly. They comprised the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents (New York, 1973), the International Convention against the Taking of Hostages (New York, 1979), the International Convention for the Suppression of Terrorist Bombings (New York, 1997) and the International

Convention for the Suppression of the Financing of Terrorism (New York, 1999). He stressed that it was not sufficient to criminalize such acts; it was also crucial to establish and strengthen effective international cooperation against crime.

19. He explained that the purpose of the United Nations Convention against Corruption was to promote and strengthen measures aimed at preventing and fighting corruption, facilitating and supporting international cooperation (including the return of the proceeds of corruption) and promoting the principles of integrity, responsibility and sound management of public affairs.

20. He reported to participants on the result of the sixth session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption and stressed that the Committee had agreed on all the important articles, in particular those relating to definitions of offences such as corruption of a public official and misappropriation of funds, measures to prevent money-laundering, international cooperation including provisions relating to confiscation and seizure, return of assets and monitoring mechanisms. Only the final provisions remained to be negotiated.

D. Visits to the Egyptian high-level authorities

21. Conference participants were invited to an audience with the Prime Minister. He reiterated Egypt's commitment to the fight against transnational organized crime and called for increased cooperation among French-speaking States in that regard. He also underscored the various initiatives undertaken in that area and the fundamental role played by the international community in the fight against that evil. In conclusion the Prime Minister urged the Conference to adopt concrete and effective conclusions.

22. Participants were also invited to an audience with the Speaker of the People's Assembly. He welcomed them and highlighted the importance of the Conference, whose purpose was to promote the Convention and its Protocols as well as the universal instruments against terrorism. He also recalled the importance, in the context of international cooperation, of support for the rule of law and the promotion of human rights. He highlighted the special role played by the Assembly, as a legislative body, for the incorporation of the conventions into Egyptian domestic law. He then emphasized the need to increase cooperation among the various countries which shared the French language, with a view to serving as examples of cooperation for the other countries of the international community.

IV. Cairo Declaration

23. At the conclusion of their work, the Ministers and members of the delegations adopted the Cairo Declaration.